

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

-----X	:	
In re	:	Chapter 13
	:	
KELLY DUTTON	:	
	:	Case No. 17-14815 (MDC)
Debtor.	:	
-----X	:	
	:	
KELLY DUTTON	:	
	:	
Plaintiff,	:	
v.	:	
	:	
CITY OF PHILADELPHIA	:	Adversary No. 18-00036(MDC)
	:	
Defendant.	:	
_____X	:	

**STIPULATION RESOLVING DEBTOR’S ADVERSARY COMPLAINT
AGAINST THE CITY OF PHILADELPHIA**

Kelly Dutton, the Plaintiff/Debtor (the “Debtor”) and the City of Philadelphia (“the City”) in order to resolve the Debtor’s Adversary Complaint in the above-captioned case hereby enter into this Stipulation Resolving Debtor’s Adversary Complaint against the City of Philadelphia (the “Stipulation”).

WHEREAS, the Debtor commenced the above-captioned bankruptcy case on July 17, 2017.

WHEREAS, on February 28, 2018, the City filed an amended proof of claim in the amount of \$46,719.04 for secured water charges owed by the Debtor to the City (the “Water Claim”).

WHEREAS, on August 23, 2017, the City filed a secured proof of claim in the amount of \$301,197.21 for real estate taxes, trash fees and licensing & inspection debt owed by the Debtor to the City (the “Tax Claim”).

WHEREAS, on February 16, 2018, the Debtor filed an Adversary Complaint against the City (“the Complaint”) alleging the City’s claims were partially undersecured.

WHEREAS, the City filed an answer to the Complaint on March 20, 2018.

NOW, THEREFORE, in consideration of the background set forth above and the terms and conditions of this Stipulation as more fully set forth below, the Debtor and the City (collectively referred to as the “Parties”) agree to be bound and do hereby stipulate as follows:

1. The Parties wish to amicably resolve the Complaint.

2. Based in part upon appraisals provided by the Debtor to the City, the City will agree to reduce the amount of its secured claims as follows and with payment of post-petition interest where applicable:

Property Address (all address in Philadelphia)	Reduced Secured Claim	Calculated Post-Petition Interest
5609 Spruce Street	\$19,000	\$3,013.71
5518 Market Street	\$30,000	\$7,365
5601 Warrington Ave.	\$27,000	\$6,628.80
46 N. 51 st Street	\$20,000	\$4,910.20
48 N. 51 st Street	\$28,000	\$6,873.80
5100 Arch Street	\$7500	\$1,841.40
Total	\$131,500	\$30,632.91

3. The reduced secured portions of the Tax Claim and Water Claim shall remain an allowed secured claim. The remaining balances of the Tax Claim and Water Claim will be reclassified as a priority claim, where applicable for the current year's real estate taxes, and with the balance classified as general unsecured claims.

4. The 2017 real estate taxes are reclassified from secured to priority taxes:

5518 Market Street	\$667.70 (2017 Real Estate Taxes)
5601 Warrington Ave.	\$489.65 (2017 Real Estate Taxes)
46 N. 51 st Street	\$415.46 (2017 Real Estate Taxes)
48 N. 51 st Street	\$415.46 (2017 Real Estate Taxes)
5100 Arch Street	\$222.57 (2017 Real Estate Taxes)
Total	\$2,210.84

5. Within twenty (20) days of this Stipulation receiving approval by this Honorable Court, the City shall amend its Claims to reflect the adjustments reflected above in paragraphs 2 to 4.

6. Within twenty (20) days of the City amending its Tax Claim and Water Claim, the Debtor shall amend his Plan to provide for the payment of those claims in full with post-petition interest at the rate of nine percent on the real estate tax portion of the Tax Claim as calculated above. The Plan will also provide for payment of the City's new priority claim in full as described in paragraph 4.

7. This entire Stipulation will be considered void, if the Debtor's bankruptcy case is dismissed or converted to one under Chapter 7.

Respectfully submitted,

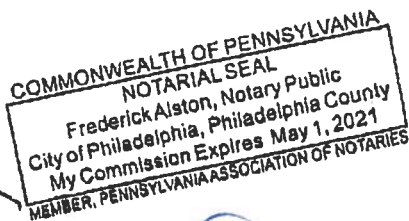
Date: 4-25-18

Kelly Dutton
Kelly Dutton, Pro Se

Sworn to and subscribed before me this
25th day of April, 2018.

[Signature]
Notary Public

Date: 4/26/18



[Signature]
Pamela Elchert Thurmond, Esquire
Deputy City Solicitor
Attorney for the City of Philadelphia

AND NOW, this ____ day of _____, 2018, upon consideration of the Stipulation between Kelly Dutton and the City of Philadelphia, it is hereby ORDERED that the Stipulation is approved.

MAGDELINE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE